

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joshua Richardson	Team: Squad #15	CCRB Case #: 201510484	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/11/2015 8:45 PM	Location of Incident: East 130th Street and Madison Avenue	Precinct: 25	18 Mo. SOL 6/11/2017	EO SOL 6/11/2017	
Date/Time CV Reported Fri, 12/11/2015 10:48 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 12/11/2015 10:48 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Moroni	24187	946607	025 PCT
2. POM Edwin Villanueva	01513	952324	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Moroni	Abuse: PO Christopher Moroni stopped § 87(2)(b)	
B.POM Edwin Villanueva	Abuse: PO Edwin Villanueva stopped § 87(2)(b)	
C.POM Christophe Moroni	Abuse: PO Christopher Moroni frisked § 87(2)(b)	
D.POM Edwin Villanueva	Abuse: PO Edwin Villanueva frisked § 87(2)(b)	
E.POM Christophe Moroni	Abuse: PO Christopher Moroni searched § 87(2)(b)	
F.POM Edwin Villanueva	Abuse: PO Edwin Villanueva searched § 87(2)(b)	
G.POM Christophe Moroni	Abuse: PO Christopher Moroni strip-searched § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On December 11, 2015, at approximately 10:48 p.m., § 87(2)(b) filed this complaint with the CCRB by phone.

On December 11, 2015, at approximately 8:45 p.m., PO Christopher Moroni and PO Edwin Villanueva of the 25th Precinct allegedly stopped § 87(2)(b) and his partner § 87(2)(b) on the corner of East 130th and Madison Avenue, in Manhattan (**Allegations A and B**). PO Moroni allegedly frisked § 87(2)(b) by patting down his jacket and pants pockets (**Allegation C**). PO Villanueva then allegedly frisked § 87(2)(b) by patting down his jacket pockets (**Allegation D**). PO Moroni then allegedly searched § 87(2)(b)'s coat and pants pockets (**Allegation E**). PO Villanueva then allegedly searched § 87(2)(b)'s coat and pants pockets (**Allegation F**). PO Moroni allegedly looked down § 87(2)(b)'s underwear causing his genitals to be exposed to the officer (**Allegation G**). After PO Moroni and PO Villanueva didn't find anything they left the scene.

§ 87(2)(b) and § 87(2)(b) were neither issued a summons nor arrested.

The investigation was not able to obtain video footage of the incident.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- On December 29, 2015, § 87(2)(b) rejected Mediation as an alternative to resolve this complaint § 87(2)(b).
- On February 12, 2016 a follow-up request was made to determine if a Notice of Claim was filed in regards to this incident. Confirmation from the Office of the New York City Comptroller that § 87(2)(b) and § 87(2)(b) filed a notice of claim was received, and PO "Maroni" (PO Moroni) is cited as the police officer who approached § 87(2)(b) and § 87(2)(b). However, there is no dollar amount of damages disclosed in the claim (Board Review 17).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
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Civilian and Officer CCRB Histories

- § 87(2)(b)

§ 87(2)(b)

- PO Moroni has been a member of service for 7 years and has had 27 prior CRRB allegations for 10 different cases. § 87(2)(g), § 87(4-b)
- § 87(2)(b)
- § 87(2)(b), while the others were closed as complainant uncooperative/unavailable. The Board's Dispositions for these substantiations were "Command Discipline"; however the NYPD took no disciplinary action for either substantiation.
- PO Villanueva has been a member of service for 4 years and has had 4 prior CCRB allegations for 2 different cases. "Abuse-Stop" and "Abuse- Search of a person" allegations in case number 201407529 were substantiated. The Board recommended for "Formalized training" in these two allegations. The NYPD upheld the Board's recommendation.

Potential Issues

- The investigation was not able to obtain video footage of the incident.

Findings and Recommendations

Explanation of Subject Officers Identification

§ 87(2)(b) and § 87(2)(b) were not issued summonses and warrant checks were not conducted for them. An Event Information report could not be located for this incident. No Stop, Question and Frisk Reports were generated in regards to this incident.

§ 87(2)(b) filed this complaint with the CCRB via its Call Processing System within two hours of the incident. At the time of his initial report, he identified one of the two officers that stopped him as "Moroni." He noted that he obtained this last name after observing the officer's nameplate on his police uniform. The undersigned investigator conducted a CCRB Complaint Tracking System, Officer Identification Tool search of this last name. PO Christopher Moroni of the 25th Precinct, which happens to be the precinct of occurrence in this case, is the only officer in the entire New York City Police Department with this last name. His NYPD Single Officer Photograph confirmed that he matches the general physical description provided by § 87(2)(b) of one of the subject officers.

According to 25th Precinct's Tour 3 Roll Call on December 11, 2015, PO Villanueva was assigned as PO Moroni's partner on the day of the incident. During his CCRB statement, PO Villanueva testified that he was with PO Moroni the entire duration of the aforementioned tour and that he never switched partners. In addition, § 87(2)(b) and § 87(2)(b) described PO Villanueva as: Hispanic male, 6'0" tall, light-medium "fair" complexion, short "wavy" brushed dark brown hair, younger than PO Moroni, with a slender average/medium build. According to PO Villanueva's pedigree information he is a Hispanic male, 5'10" tall, 190 pounds, and § 87(2)(b) years old, with brown hair (Board Review 14). When PO Villanueva appeared for his interview he did have a medium build, and short brown hair.

Both PO Moroni and PO Villanueva were interviewed and provided with a synopsis of the incident, however neither recalled this incident. They did not document any memo book entries at around the time of the incident (Board Review 16). § 87(2)(g)

Allegation A- Abuse of Authority: PO Christopher Moroni stopped § 87(2)(b)

Allegation B- Abuse of Authority: PO Edwin Villanueva stopped § 87(2)(b)

Allegation C- Abuse of Authority: PO Christopher Moroni frisked § 87(2)(b)

Allegation E-Abuse of Authority: PO Christopher Moroni searched § 87(2)(b)

Allegation F- Abuse of Authority: PO Edwin Villanueva searched § 87(2)(b)

Allegation G- Abuse of Authority: PO Christopher Moroni strip searched § 87(2)(b)

It is disputed whether PO Moroni stopped, frisked, searched, and strip searched § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) was walking south down Madison Avenue toward East 130th with § 87(2)(b) when he saw a stationary dark gray sedan, with two officers inside at the corner of East 131st and Madison Avenue. § 87(2)(b) and § 87(2)(b) reached the corner of East 130th and Madison Avenue when he saw the aforementioned vehicle pull up in front of them. § 87(2)(b) stated that as PO Moroni approached them he did not say anything to him or § 87(2)(b) § 87(2)(b) put his hands up and asked PO Moroni “What’s the problem”? to which PO Moroni did not respond. § 87(2)(b) stated that PO Moroni grabbed him by his belt and began to ask him about his whereabouts and if he had any drugs on him, while looking at § 87(2)(b) s front and rear pants pockets. § 87(2)(b) stated he asked PO Moroni “What’s the problem and why did you stop me”? but PO Moroni did not respond, and then patted his coat pockets and pants pocket. PO Moroni then entered his two front jacket pockets, two front pants pockets, two rear pants pockets, and placed his hand inside of the § 87(2)(b) s coat sleeves. PO Moroni then pulled on § 87(2)(b) s belt, with his thumb on the inside of § 87(2)(b) s underwear. PO Moroni then looked down § 87(2)(b) s pants and into his underwear. § 87(2)(b) stated his genitals were exposed at this point and added that he felt the cold air in-between his thighs because of PO Moroni’s aforementioned conduct. § 87(2)(b) stated that he was never asked for identification or to verbally identify himself. (Board Review 04)

§ 87(2)(b) § 87(2)(g) first saw the dark colored sedan when they pulled up in front of them on the corner of East 130th and Madison Avenue. § 87(2)(b) stated that as PO Moroni and PO Villanueva approached them, PO Moroni stated “Stop. Put your hands up.” § 87(2)(b) stated he asked PO Moroni “What’s going on”, to which PO Moroni responded with “We got a call about someone fitting your description”, and noted that PO Moroni stated something drug related within the aforementioned quote but could not recall what. § 87(2)(b) stated he observed PO Moroni reach out and grab § 87(2)(b) but could not recall where he grabbed him. § 87(2)(b) stated he did not see PO

Moroni pat down § 87(2)(b)'s coat pockets, but saw PO Moroni's hands inside of § 87(2)(b)'s coat pockets. § 87(2)(b) stated that PO Villanueva asked him "Do you have anything in your pockets?" to which § 87(2)(b) stated "Just some candy." § 87(2)(b) stated that PO Villanueva then used his hands to enter § 87(2)(b)'s front coat pockets, side coat pockets, front chest coat pocket, and then his front pants pockets. § 87(2)(b) did not see PO Moroni look down § 87(2)(b)'s pants but noted that immediately after the incident concluded, § 87(2)(b) complained to him and told him that PO Moroni "grabbed him by his pants belt and looked down his underwear, and that he felt the cold air between his legs because of this." § 87(2)(b) stated that he was never asked for identification or to verbally identify himself. (Board Review 05)

§ 87(2)(b) corroborated § 87(2)(b)'s testimony in that he stated he saw PO Villanueva searching § 87(2)(b)'s coat and pants pockets.

Both PO Moroni and PO Villanueva were provided with a brief synopsis of the incident, but both officers did not recall this incident. Both officers stated that they do not recall interacting with any individuals during the time of the incident on the incident date, and PO Moroni stated that if he did stop someone it would be recorded in his memo book. (Board Review 06, Board Review 07)

A strip search is any search in which an individual's undergarments, e.g. bra underwear, etc., and/or private areas are exposed, or in which an individuals' clothing is removed, lifted up or pulled down to expose undergarments or private areas. Patrol Guide Procedure 208-05. (Board Review (15) Non-consent strip searches of detainees can only be conducted inside of Department facilities and must be documented. PD v. Bradley, OATH Index No. 75419/00 (2001); (Board Review 08) PD. V. Pellegrino, OATH Index No. 84359/08 (2004) (Board Review 09)

§ 87(2)(g)

Additionally, the Daily Vehicle Assignment sheet confirmed that department auto #529, which is an unmarked gray vehicle assigned to the 25th Precinct on the incident date, closely corresponded to the physical description provided by § 87(2)(b) and § 87(2)(b). PO Moroni stated that this was his assigned vehicle and that his partner on the incident date was PO Villanueva. PO Villanueva stated that he was with PO Moroni at all times during their tour on the incident date. Also, PO Moroni and PO Villanueva both stated that the incident location is a location that they patrol during their tour, and are familiar with. PO Moroni stated he is sure he has stopped many people at the incident location. Furthermore, neither PO Moroni nor PO Villanueva have memo book entries during the time of this incident and neither could indicate there whereabouts during the time of the incident which suggests that they were in fact involved in the incident and refused to provide a justification for their actions.

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation D- Abuse of Authority: PO Edwin Villanueva frisked § 87(2)(b)

§ 87(2)(g)

[REDACTED]

[REDACTED] alleged while PO Moroni searched his pockets, he looked at § 87(2)(b) and saw PO Villanueva frisking § 87(2)(b)'s pockets. However, § 87(2)(b) § 87(2)(g) stated that PO Villanueva did not frisk him, but just searched his pockets.

As discussed above, PO Villanueva and PO Moroni have no recollection of this incident nor have any recollection of interacting with § 87(2)(b) or § 87(2)(b) on the incident date.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

§ 87(2)(g), § 87(4-b) [Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

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§ 87(2)(g), § 87(4-b) [Redacted]
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Squad:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date